

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|-------------------------------------|---|-----------------------------------|
| SELWYN BROWN, |) | |
| |) | |
| Plaintiff |) | 2:05cv347 |
| |) | Electronic Filing |
| vs. |) | |
| |) | Judge David S. Cercone/ |
| D.O.C. PA; J. BEARD; D. WILLIAMSON; |) | Magistrate Judge Amy Reynolds Hay |
| S. BURKS; A.W. RUSS; E. KLEM; K.G. |) | |
| CHMIELEWSKI; T. HORNUNG; J. |) | |
| CORBACIO; R. NOVOTNEY; P. |) | |
| RAMER; CAPT. V. MOONEY; CAPT. |) | |
| CLARK; LT. GAVIN; L. FLINO; T.D. |) | |
| JACKSON; M. BRUNO; CAPT. |) | |
| MUCCINO; LT. HAYWOOD; LT. |) | |
| MEIGHEN; SGT. MITCHELL, |) | |
| |) | |
| Defendants |) | |

MEMORANDUM ORDER

Plaintiff, Selwyn Brown, filed an action in the above-captioned case, and after a Motion for Summary Judgment was filed by Defendants and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed within the time allotted, this Court adopted the Report and dismissed the case. Dkts. [109] & [110]. Thereafter, the Clerk's office received Plaintiff's objections on October 5, 2007, Dkt. [111], but those objections were signed on September 26, 2006, i.e., the day before the deadline for filing same. Thereafter, Plaintiff filed a motion for reconsideration of this Court's order adopting the Report and dismissing the case. Dkt. [112].

The Court **GRANTS** the motion for reconsideration and hereby **VACATES** this Court's orders at Dkt. [109] and [110]. The Court further Orders as follows:

AND NOW, this 1st day of November, 2007, after the Plaintiff, Selwyn Brown, filed an action in the above-captioned case, and after a Motion for Summary Judgment was filed by Defendants and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and objections having been filed, and upon independent review of the motion and the record, and upon consideration of Plaintiff's objections, which are found to be without merit, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that defendants' motion for summary judgment is GRANTED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P



David Stewart Cercone
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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